

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILFREDO TORRES,

*Plaintiff,*

vs.

CITY OF NEW YORK; LIEUTENANT NEIL VERAS (SHIELD UNKNOWN); POLICE OFFICER PATRICIA DE JESUS (SHIELD 1305); POLICE OFFICER DIOASKY PENA (SHIELD 10240); POLICE OFFICER DANIEL PEARLES (SHIELD 15167); POLICE OFFICER MATEUSZ HADER (SHIELD 9149); ARKAPRAVA DEB, M.D.; STEVEN LASLEY, M.D.; NEW YORK CITY HEALTH AND HOSPITALS,

*Defendants.*

**ORDER**

19 Civ. 6332 (ER)

RAMOS, D.J.:

On July 8, 2019, Wilfredo Torres, proceeding *pro se*, filed a complaint against New York City Health and Hospitals (“NYCHH”), the City of New York, and several of their employees, alleging violation of his constitutional rights arising from raids on his apartment and involuntary examinations at Bellevue Hospital. Doc. 1. On October 9, 2020, Torres filed a second amended complaint. Doc. 81. At a premotion conference held on November 4, Torres requested production of his medical records from Bellevue Hospital. The Court explained to Torres that, because the records he seeks are his own medical records, he could obtain the records for himself or he could return a medical release form to NYCHH’s counsel so that she could obtain the records on his behalf. The Court further directed NYCHH’s counsel to confer with Torres regarding completing a medical release form. On November 5, Torres filed a motion to compel his medical records from Bellevue Hospital. Doc 99. On November 16, NYCHH’s counsel

confirmed that she had sent Torres a medical release form with instructions for returning it to her office and had called him, but had neither received the form nor any other response from Torres.

Doc. 102. NYCHH's counsel also proposed a briefing schedule on Torres' motion to compel. *Id.*

Because Torres is presumptively entitled to his own medical records, and he has not been denied them, there is no need for his motion to compel or further briefing. *K.B. v. SCO Family of Serv.*, 159 A.D.3d 416, 417 (1<sup>st</sup> Dep't 2018) (citing *Wheeler v. Comm'r of Social Servs. of City of N.Y.*, 233 A.D.2d 4, 11-12 (2d Dep't 1997)). Therefore, Torres' motion to compel is denied.

Torres is directed to return the medical release form to NYCHH's counsel by **Tuesday,** **December 1, 2020** or to obtain his own records for himself.

A copy of this Order will be sent by Chambers to Wilfredo Torres, 470 Second Avenue, Apt. 2A, New York, New York 10016.

It is SO ORDERED.

Dated: November 17, 2020  
New York, New York



---

EDGARDO RAMOS, U.S.D.J.